

CALIFORNIA COASTAL COMMISSION

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F14c

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APPEAL STAFF REPORT

SUBSTANTIAL ISSUE DETERMINATION

Appeal number **A-3-MRB-03-091, Steinmann RV Park**

Applicants Ed Ewing and Joe Steinmann

Appellant Joe and Charlotte Wallick

Local government City of Morro Bay

Local decision Approved with conditions on August 11, 2003

Project location 221 Atascadero Road, Morro Bay, San Luis Obispo County (APNs 065-182-007, 065-182-008).

Project description Development of a Recreational Vehicle (RV) Park on approximately 1.6 acres site, including utility extensions, manager's residence, and visitor parking spaces.

File documents Morro Bay Certified Local Coastal Program (LCP); Morro Bay Coastal Development Permit 06-03R.

Staff recommendation ... **Substantial Issue**

I. Recommended Findings and Declarations for Substantial Issue:

On August 11, 2003, the City of Morro Bay approved a Coastal Development Permit for the establishment of a Recreational Vehicle (RV) park at 221 Atascadero Road, on a 71,500 square foot parcel designated for visitor-serving commercial uses (project plans and location map attached as Exhibit 1). An appeal of this decision filed with the Coastal Commission challenges changes made by the Planning Commission and City Council to the proposed 24-unit park, stating that the project was transformed into a potential 58-space extended RV parking lot/mobile home park. The appeal contends that these changes violate density standards and setback requirements, and that increased impacts on traffic, aesthetics, and nearby sensitive habitats have not been adequately evaluated. The appeal further raises concern about the precedent this would set for other RV park development proposals west of Highway 1. The submitted reasons for appeal are attached to this report as Exhibit 2.



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Staff recommends that the Commission determine that the appeal raises a **substantial issue** regarding the project's conformance to the Morro Bay certified LCP. Although the project is eligible for adjustments to standard density and setback requirements because of its location within a Planned Development overlay district, such exceptions must result in a better design or other public benefit, and be consistent with coastal resource protection (please see LCP Section 17.40.030, attached on pages 1-4 of Exhibit 3). In this case, the standard maximum density established by Section 17.24.120 of the LCP is one unit per 2,900 square feet (see Exhibit 3), which equates to a maximum of 24 RV spaces at this site. The appellant's concerns regarding the exceptions to standard zoning requirements approved by the City, such as increasing the density to a maximum of 58 RV spaces, raise a substantial issue regarding the project's consistency with LCP standards protecting sensitive habitats and visual resources, as well as with LCP priorities for visitor-serving uses, as further discussed below.

1. Environmentally Sensitive Habitat Areas (ESHA). The appeal asserts that the increase in RV spaces approved by the City Council has not been adequately evaluated for impacts on sensitive habitat areas, such as nearby habitat for the federally endangered Morro Shoulderband snail and Federally threatened western Snowy Plover. Other sensitive habitats in the vicinity of the project include wetlands to the west of the project site. Policy 11.02 of the City's certified Land Use Plan (Exhibit 3, page 5) requires development adjacent to ESHA to maintain the habitats functional capacity and avoid significant degradation of such areas. In addition, Policy 11.19 (Exhibit 3, page 6) prohibits development adjacent to wetlands that would result in adverse impacts due to additional runoff, sedimentation, noise, and other disturbances. As a means of implementing these standards, Policy 11.05 (Exhibit 3, page 5) requires all development that may adversely impact ESHA to undergo an environmental impact assessment by a qualified biologist. Contrary to these requirements, the adverse impacts to nearby sensitive habitat areas posed by the increased density approved by the City have not been adequately considered. For example, the potential for increased polluted runoff, traffic, noise, lights, and human activity to disrupt sensitive habitats and reduce their biological productivity is not addressed by the City's approval. Therefore the appeal raises a substantial issue regarding the project's conformance to LCP ESHA protection requirements.

2. Visual Resources. Similarly, appeal contentions regarding the visual impacts of the increased development intensity raise a substantial issue regarding the project's consistency with LCP visual resource protection standards, such as Section 17.48.190 and Policy 12.01 (attached in Exhibit 3), requiring that the scenic and visual qualities of coastal areas be protected and enhanced. The project site is visually significant due to its location along a primary coastal access route that links Highways 1 and 41 with Morro Strand State Beach. The exceptions to standard LCP density and setback requirements approved by the City have the potential to conflict with LCP visual resource protection requirements by blocking coastal views, reducing landscaping, and introducing a design and intensity of use that is not compatible with surrounding development. Because these impacts are not addressed by the City's approval, the appeal raises a substantial issue.

3. Visitor-Serving Priorities. The purpose of the visitor-serving commercial (C-VS) district in which the development is located is to provide commercial uses serving visitors to the City. Section 17.24.120



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of the LCP (Exhibit 3, page 9), specifically prohibits residential commercial uses in this district. As noted by the appeal, the City's approval may set a precedent for other RV developments that may be proposed in this area. Indeed, the potential for adverse impacts to coastal resources discussed above will be exacerbated if development in the surrounding area seeks similar exceptions to the baseline density and setback standards established by the LCP. Moreover, the terms of occupancy under approved by the City sets a dangerous precedent that could enable RV parks to be used for residential purposes rather than as visitor accommodations. Specifically, the City approval allows RV spaces to be occupied for 90 days at a time, which means that one tenant could occupy a site for an entire summer or fall season, when visitor serving accommodations are most needed. This could significantly diminish the availability of overnight accommodations if other visitor-serving facilities in the area were to pursue similar terms of occupancy. Thus, the appeal raises a substantial issue regarding the project's consistency with LCP priorities for visitor-serving uses.

II. Recommended Motion and Resolution

MOTION:

*I move that the Commission determine that Appeal No. A-3-MRB-03-091 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-3-MRB-03-091 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

III. Appeal Procedures:

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable



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because it is between the first public road and the sea.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is located between the first public road and the sea and thus, this additional finding would need to be made in a de novo review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

